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SIMMONS BEDDING COMPANY
6 and Defendant and Counterclaimant DREAMWELL, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 ZINUS, INC. a California Corporation,

Case No. 07-CV-03012-PVT

13 Plaintiff,

DREAMWELL'S ADMINISTRATIVE MOTION FOR SEALING ORDER

14 v.
15 SIMMONS BEDDING COMPANY, a
16 Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada

Defendants.

AND RELATED COUNTERCLAIMS

Pursuant to Local Rules 79-5(d) and 7-11, defendant and counterclaimant Dreamwell, Ltd. (“Dreamwell”) hereby moves for a sealing Order with respect to Dreamwell’s Memorandum in Opposition to Plaintiff Zinus, Inc.’s Motion for Summary Judgment of No Direct Infringement and the Declaration of Kenneth B. Wilson in Opposition to Plaintiff Zinus, Inc.’s Motion for Summary Judgment of No Direct Infringement, both of which are being lodged with the Court today. Dreamwell’s motion is made on the grounds that Zinus has asserted that the deposition of its President, Scott Reeves, which was taken on February 11, 2008 must be treated as Attorneys’ Eyes Only.

1 Dreamwell notes that this deposition transcript has not been designated confidential by
2 Zinus pursuant to a protective order, as required by Local Rule 79-5(a) because no protective
3 order has been entered in the case. As a result, Dreamwell questions whether it has any
4 obligation to file this motion. However, out of an abundance of caution, Dreamwell has chosen to
5 follow the provisions of Local Rule 79-5(d) and lodge its papers rather than filing them, even
6 though Dreamwell believes both that the rule is inapplicable and that the information that Zinus
7 seeks to have filed under seal does not meet the requirements for sealing information that are set
8 forth in Local Rule 79-5.

9 Because Dreamwell did not learn until today that Zinus intended to insist that the portions
10 of the Reeves deposition transcript that were incorporated into Dreamwell's papers were
11 confidential, Dreamwell did not have time to prepare and submit a redacted version of its papers.
12 However, if the Court finds that any of the information in its papers is subject to being filed under
13 seal, Dreamwell will submit a redacted version of its papers for filing in the public record within
14 one business day of receiving any such order.

16 DATED: February 12, 2008

PERKINS COIE LLP

By _____ /s/
Kenneth B. Wilson

Attorneys for Defendant SIMMONS BEDDING COMPANY and Defendant and Counterclaimant DREAMWELL, LTD.